

EXHIBIT A



January 17, 2013

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RE: FREEDOM OF INFORMATION ACT REQUEST

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. 552, on behalf of my client, I request the following federal government records in connection with EPA's recent request to modify the Consent Decree entered on September 27, 2011 (Dkt. No. 67) in *WildEarth Guardians v. Jackson*, 1:11-cv-0001 (D. Colo.). On December 10, 2012, EPA filed an unopposed motion (the "Motion") seeking to extend certain deadlines governing EPA's proposed and final actions on Wyoming's regional haze implementation plans contained within the Consent Decree. (Dkt. No. 70). In its Motion, attached here, EPA stated that the extensions are necessary as a result of new information that EPA contends is significant and should be provided to the public, as well as communications it had with others about the new information and the Motion. (*Id.* at 4.)

This FOIA requests seeks the new information EPA identifies and refers to in its Motion to the extent that information has not been posted to the rulemaking docket for the Wyoming regional haze state implementation plan referred to in the Consent Decree, EPA-R08-OAR-2012-0026, FRL-9678-9 (the "Wyoming Regional Haze Docket"), as well as communications about modifications to the Consent Decree. Specifically, and with this limitation, I request the following documents, records, and information:

- All records, files, reports, memoranda, correspondence and documents in your possession regarding conversations held "on several occasions" with counsel or representatives of WildEarth Guardians, including but not limited to Ashley Wilmes, relating to any modification of the Consent Decree at any time, including but not limited to the reasons and need for the Motion and the extension identified therein. (*See* Motion at 2.) This request also includes documents concerning discussions about any other previous extensions of the Consent Decree deadlines not identified in the Motion.

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- All records, files, reports, memoranda, correspondence and documents in your possession regarding conversations held "on several occasions" with counsel or representatives of National Parks Conservation Association, including but not limited to Reed Zars, relating to any modification of the Consent Decree at any time, including but not limited to the reasons and need for the Motion and the extension identified therein. (*See id.*) This request also includes documents concerning discussions about any other previous extensions of the Consent Decree deadlines not identified in the Motion.
- All records, files, reports, memoranda, correspondence and documents in your possession regarding conversations with counsel or representatives of Environmental Defense Fund relating to any modification of the Consent Decree, including but not limited to the reasons for the Motion, the modification of the Consent Decree, or the modification or extension of any related deadline. (*See id.*) This request also includes documents concerning discussions about any other previous extensions of the Consent Decree deadlines not identified in the Motion.
- All records, files, reports, memoranda, correspondence and documents in your possession related to the "new information developed" "new information gathered" and the rationale underlying how "this new information is significant" since the comment period on EPA's proposed rule on Wyoming's regional haze plan under 40 C.F.R. § 51.309(g), 77 Fed. Reg. 33,021 (June 4, 2012) as referred to in the Motion. (*See id.* at 3.) Please identify all such information placed in the Wyoming Regional Haze Docket.
- All records, files, reports, memoranda, correspondence and documents in your possession regarding or relating to EPA's analysis and additional research evaluating comments submitted in connection with 77 Fed. Reg. 33,021, including any and all new costs and visibility analyses as referred to in the Motion. (*See id.* at 4.)
- All records, files, reports, memoranda, correspondence and documents in your possession regarding or relating to EPA's analysis of BART compliance dates for the installation of BART emissions controls in Wyoming as referred to in the Motion. (*See id.*)

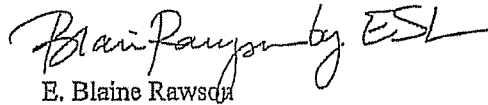
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The terms "records," "files," "reports," "memoranda," "correspondence" and "documents" as used herein means all documents, papers, letters, maps, books, tapes, photographs, electronic mail, electronic data, films, recordings or other material, regardless of physical form. The word "or" means "and" and vice versa. If this request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I also request that you release all segregable portions of otherwise exempt material.

I look forward to your reply within 20 business days, as the statute requires. My client agrees to pay up to \$500.00 for copying and research charges pursuant to this request. If the charges for processing this request exceed that amount, please contact my office for authorization to continue processing the request. I would appreciate receiving documents in electronic format whenever available. If you received this request in error, please contact my office immediately and kindly forward the request to the correct person within your department. If you have any questions processing this request, please contact me immediately at (801) 323-3387. Thank you for your prompt attention to this matter.

Very truly yours,

RAY QUINNEY & NEBEKER P.C.


E. Blaine Rawson

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